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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **LA.APP. 19/2026**

MUNICIPAL CORPORATION OF DELHI

.....Appellant

Through: Mr. Sanjay Vashishtha, Standing Counsel, MCD with Mr. Siddharth Goswami, Ms. Geetanjali Reddy, Mr. Aditya Sachdeva, Mr. Krish Bhatia, Advs.

versus

SANTOSH SURI & ANR.

.....Respondents

Through: Mr. S.K. Rout, Ms. Dimple Dhamija, Mr. Achin Saxena, Mr. Aman Mehrotra, Mr. Rahul Kumar, Ms. Alka Singh and Ms. Parmita Nath, Advs. for R-1.
Mr. Sanjay Kumar Pathak, Standing Counsel with Mr. Sunil Kumar Jha and Mr. M.S. Akhtar for UOI.

CORAM:

HON'BLE MS. JUSTICE SHAIL JAIN

ORDER

26.02.2026

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CM APPL. 13288/2026 (Condonation of Delay in Filing the Appeal)

1. The present Application has been filed by the Appellant under Section 5 of the Limitation Act, 1963, read with Section 151 of the Code of Civil Procedure, 1908, seeking Condonation of the Delay of 17 days in filing the Appeal.
2. The Respondents herein have no objection if the present Application is allowed.
3. For the reasons stated in the Application, the delay is hereby



condoned.

4. The Application is accordingly disposed of.

CM APPL. 13291/2026 (Condonation of Delay in Re-filing the Appeal)

5. The present Application has been filed by the Appellant under Section 151 of the Code of Civil Procedure, 1908, seeking Condonation of the Delay of 41 days in re-filing the Appeal along with the supporting Affidavit.

6. The Respondents herein have no objection if the present Application is allowed.

7. For the reasons stated in the Application, the delay is hereby condoned.

8. The Application is accordingly disposed of.

CM APPL. 13290/2026 (Seeking Extension for Filing Court Fees)

9. The present Application has been filed by the Appellant under Section 151 of the Code of Civil Procedure, 1908, seeking the Extension of Time for Filing Court Fees.

10. For the reasons stated therein, the Application is allowed.

11. The Court fees shall be deposited/filed within a period of two weeks from today.

12. The Application is accordingly disposed of.

CM APPL. 13351/2026 (Exemption)

13. The present Application has been filed by the Appellant under Section 151 of the Code of Civil Procedure, 1908, seeking the Exemption from Filing Legible/Clear/Typed/Original Certified Copies of the Dim Annexures and Less Margin Document along with an Affidavit.

14. For the reasons stated in the Application, the same is allowed.

15. The Application is accordingly disposed of.



CM APPL. 13289/2026 (Stay)

16. The present Application has been filed by the Appellant under Order XLI Rule 5 of the Code of Civil Procedure, 1908, seeking Stay of the Operation of the impugned Order/Judgment dated 25.08.2025.

17. Issue notice to the Respondents.

18. Notice is accepted by the learned Counsels appearing on behalf of the Respondents.

19. Learned Counsel appearing for Respondent No. 1 submits that the area of the land in question has been incorrectly mentioned as 5.5 sq. meters by the Appellant in the present Appeal as well as in the List of Dates, whereas the area reflected in the impugned Order is 24.34 sq. meters.

20. The following reliefs were granted to the Petitioner *vide* impugned Order dated 25th August, 2025:

A) The petitioner is entitled to receive enhanced compensation @ Rs. 10833.59 square meter over and above the compensation already determined by LAC, West i.e. Rs.20,900/- in respect of acquired land 24.34 square meter.

B) The petitioner is entitled to receive 30% solatium on the market value of her acquired land of 24.34 square meter, as per Section 23 (2) of L.A. Act, 1894.

C) The petitioner is also entitled to receive additional amount @ 12% per annum on the market Value of her acquired land of 24.34 square meter, for the period, specified in Section 23 (1A) of L.A. Act 1894.

(D) The petitioner is further entitled for interest on the aggregate of market value of her acquired land of 24.34 square meter, solatium and additional amount, for the period from the date of taking



possession of acquired land of the petitioner to the date of payment/deposit of compensation amount at the rate of 9% per annum for the first year and 15% per annum for the remaining period.

21. Learned Counsel appearing on behalf of the Appellant submits that clarification is required from the concerned Department as to whether the area is 5.5 sq. meters or 24.34 sq. meters. However, without prejudice to the said contention, he undertakes to deposit 50% of the decretal amount as per the area mentioned in the impugned Order.

22. Learned Counsel for Respondent No. 1 submits that there is no objection if stay is granted subject to deposit of 50% of the decretal amount calculated in terms of the area mentioned in the impugned Order.

23. Considering the submissions made by learned Counsel for the parties, the operation of the impugned Order dated 25th August, 2025, is stayed, subject to the Appellant depositing 50% of the decretal amount, computed on the basis of the area of 24.34 sq. meters as reflected in the impugned Order, within a period of four weeks from today.

LA.APP. 19/2026

24. List the present matter along with the batch of connected matters, the lead matter being **LA. APP. 55/2021**, titled *North Delhi Municipal Corporation vs. M/s. Esvee Polymers Manufacturing Company & Anr.*, on 25th March, 2026.

25. Order shall be given *Dasti* under the signatures of the Court Master.

SHAIL JAIN, J

FEBRUARY 26, 2026/kp/MM